

Application No. 10/541602
Response to the Office Action dated September 19, 2008

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Claims 27 and 28 have been added as supported by tables 1 and 2-3 of the specification at pages 13 and 14-15, respectively.

Claim 1 has been amended to include limitations as supported by the specification at page 6, lines 17-25 and page 11, line 36-37, page 12, lines 19-21, and table 1 and a foot note thereof at page 13. Accordingly, claims 3, 5, and 7 have been amended to include the limitation of the at least 18 mass% of $T-Fe_2O_3$ in the formulae, and claims 4 and 6 have been amended to remove the limitation of the content of the transition metal oxide included in claim 1, from which claims 4 and 6 depend.

Claim 8 has been amended to include limitations of original claim 9 and tables 2 and 3 of the specification at pages 14 and 15, respectively, with editorial revisions. Accordingly, claim 9 has been canceled without prejudice. Claim 22 has been amended to remove the limitation of the composition included in claim 8, from which claim 22 depends. Claims 23-26 have been amended editorially.

Claims 8-9 and 22-26 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection.

Claim 9 has been canceled. The specification of the present application defines a glass flake that includes a glass flake having no metal oxide crystals and a glass flake having metal oxide crystals (see tables 1 and 2 at pages 13 and 14, respectively, and page 4, lines 33-34 of the specification). However, to clarify the difference between the two types of glass flakes, the glass flake including metal oxide crystals such as that in claims 8 and 22-26 has been amended to be expressed as a "flake", and the glass flake that does not include the metal oxide crystals such as that in claims 1-7 and 10-14 is expressed as a

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“glass flake”. Accordingly, the claims are definite, and this rejection should be withdrawn. Applicants do not concede the correctness of this rejection.

Claims 1-3 and 8-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (U.S. Patent No. 3,694,360) in view of Sullivan et al. (U.S. Patent No. 5,753,371). Applicants respectfully traverse this rejection.

Weaver discloses a ferromagnetic glass-ceramics based on a $\text{Fe}_2\text{O}_3\text{-Li}_2\text{O-SiO}_2$ system including lithium ferrite crystals (see abstract and coln. 3, line 63 – coln. 4, line 3). Weaver discloses that the compositions partially devitrify upon cooling and are further crystallized (see coln. 3, lines 68-69). Thus, the glass-ceramics of Weaver include crystals throughout the glassy matrix of the compositions, (see coln. 3, lines 7-13 and 68-69), which is different from a glass flake that does not include the metal oxide crystals as claim 1 requires.

Moreover, Weaver discloses the glass-ceramics including lithium ferrite crystals as discussed above (see abstract and coln. 3, line 63 – coln. 4, line 3). Weaver, however, fails to disclose that the lithium ferrite crystals in the glass-ceramics include Fe_2O_3 or Fe_3O_4 as a major crystal as claim 8 requires.

Sullivan discloses a pearlescent pigment (see abstract) but does not remedy the deficiencies of Weaver.

Accordingly, claim 1 and 8 are distinguished from Weaver in view of Sullivan, and this rejection should be withdrawn.

Claims 4-7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (U.S. Patent No. 3,694,360) in view of Sullivan et al. (U.S. Patent No. 5,753,371), and further in view of Nagashima et al. (U.S. Patent No. 6,340,646). Applicants respectfully traverse this rejection.

Claims 4-7 depend ultimately from claim 1 and are distinguished from Weaver in view of Sullivan for at least the same reasons as discussed for claim 1 above.

Nagashima discloses a colored film-coated ultraviolet/infrared absorbent glass plate (see abstract). Nagashima, however, does not remedy the deficiencies of Weaver

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and Sullivan, and accordingly, this rejection should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 12-13 and 24-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (U.S. Patent No. 3,694,360) in view of Sullivan et al. (U.S. Patent No. 5,753,371), and further in view of Fujita et al. (Japanese Patent Application Publication No. 050-017710). Applicants respectfully traverse this rejection.

Claims 12-13 and 24-25 are distinguished from Weaver in view of Sullivan for at least the same reasons as discussed for claims 1 and 8 above.

Fujita discloses a glass flake with a metallic coating (see abstract) but does not remedy the deficiencies of Weaver and Sullivan. Accordingly, this rejection should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 12, 14, 24, and 26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (U.S. Patent No. 3,694,360) in view of Sullivan et al. (U.S. Patent No. 5,753,371), and further in view of Marshall et al. (U.S. Patent No. 3,331,699). Applicants respectfully traverse this rejection.

Claims 12, 14, 24, and 26 are distinguished from Weaver in view of Sullivan for at least the same reasons as discussed for claims 1 and 8 above.

Marshall discloses glass flake pigments coated with a metal oxide compound (see coln. 1, lines 11-15 and coln. 2, lines 55-63) but does not remedy the deficiencies of Weaver and Sullivan. Accordingly, this rejection should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 1 and 10-11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Komori et al. (Japanese Patent Application Publication No. 2000-323071) in view of Sullivan et al. (U.S. Patent No. 5,753,371). Applicants respectfully traverse this rejection.

Komori discloses the funnel glass that contains 0.2-10 wt% of Fe_2O_3 (see abstract and para. [0018]) but fails to disclose that the glass contains at least 18 mass% of a

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transition metal oxide as claim 1 requires. Accordingly, claim 1 is distinguished from Komori.

Sullivan does not remedy the deficiencies of Komori. Accordingly, this rejection should be withdrawn.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.



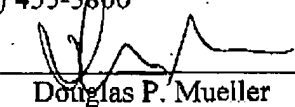
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Respectfully submitted,

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